

**Suspend the Rules and Pass the Bill, H.R. 2682, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2682

To provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2011

Mr. GRIMM (for himself, Mr. PETERS, Mr. AUSTIN SCOTT of Georgia, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Business Risk Mitiga-  
5 tion and Price Stabilization Act of 2012”.

1 **SEC. 2. MARGIN REQUIREMENTS.**

2 (a) COMMODITY EXCHANGE ACT AMENDMENT.—  
3 Section 4s(e) of the Commodity Exchange Act (7 U.S.C.  
4 6s(e)), as added by section 731 of the Dodd-Frank Wall  
5 Street Reform and Consumer Protection Act, is amended  
6 by adding at the end the following new paragraph:

7 “(4) APPLICABILITY WITH RESPECT TO  
8 COUNTERPARTIES.—The requirements of paragraphs  
9 (2)(A)(ii) and (2)(B)(ii) shall not apply to a swap in  
10 which a counterparty qualifies for an exception  
11 under section 2(h)(7)(A) or satisfies the criteria in  
12 section 2(h)(7)(D).”.

13 (b) SECURITIES EXCHANGE ACT AMENDMENT.—  
14 Section 15F(e) of the Securities Exchange Act of 1934  
15 (15 U.S.C. 78o–10(e)), as added by section 764(a) of the  
16 Dodd-Frank Wall Street Reform and Consumer Protec-  
17 tion Act, is amended by adding at the end the following  
18 new paragraph:

19 “(4) APPLICABILITY WITH RESPECT TO  
20 COUNTERPARTIES.—The requirements of paragraphs  
21 (2)(A)(ii) and (2)(B)(ii) shall not apply to a secu-  
22 rity-based swap in which a counterparty qualifies for  
23 an exception under section 3C(g)(1) or satisfies the  
24 criteria in section 3C(g)(4).”.

1 **SEC. 3. IMPLEMENTATION.**

2 The amendments made by this Act to the Commodity  
3 Exchange Act shall be implemented—

4 (1) without regard to—

5 (A) chapter 35 of title 44, United States  
6 Code; and

7 (B) the notice and comment provisions of  
8 section 553 of title 5, United States Code;

9 (2) through the promulgation of an interim  
10 final rule, pursuant to which public comment will be  
11 sought before a final rule is issued; and

12 (3) such that paragraph (1) shall apply solely  
13 to changes to rules and regulations, or proposed  
14 rules and regulations, that are limited to and di-  
15 rectly a consequence of such amendments.